

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT DOLAN, et al.,

Plaintiffs,

v.

No. CV 20-1304 WJ/CG

CIMAREX ENERGY CO.,

Defendant.

ORDER GRANTING IN PART PLAINTIFFS' MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiffs' *Motion to Compel, and for Attorney's Fees* (the "Motion"), (Doc. 33), filed July 6, 2021; and Defendant's *Response to Plaintiffs' Motion to Compel* (the "Response"), (Doc. 35), filed July 14, 2021. Plaintiffs did not file a Reply and the time for doing so has now passed, pursuant to the Court's *Order Setting Expedited Briefing Schedule and Motion Hearing*, (Doc. 34). The Court, having considered the parties' filings and hearing argument from counsel, finds that Plaintiffs' Motion shall be **GRANTED IN PART** for the reasons set forth at the Motion hearing held on July 21, 2021.¹

IT IS THEREFORE ORDERED as follows:

1. Defendant's objections to Interrogatory 1 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity as to what Defendant has done to find the requested potential class member² information by **August 13, 2021**;

¹ The Court notes that Plaintiffs' counsel withdrew his request for attorney fees at the hearing held on July 21, 2021.

² "Potential class member," for the purposes of this Order only, shall be defined as "Cimarex's current and former drilling consultants who (1) worked at least one week in New Mexico and (2)

2. Defendant's objections to Interrogatory 3 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity as to the names and contact information of the vendors who may have the information by **August 13, 2021**; and
3. Defendant's objections to Interrogatory 5 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity as to the requested information regarding arbitration agreements by **August 13, 2021**.

IT IS FURTHER ORDERED as follows:

1. Defendant's objections to Request for Production 1 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity, including providing the invoices in its possession to Plaintiffs by **August 13, 2021**;
2. Defendant's objections to Request for Production 3 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity by **August 13, 2021**;
3. Defendant's objections to Request for Production 4 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity, including providing the agreed-upon two to three drilling reports and any formal job descriptions by **August 13, 2021**;

were paid a day-rate at any time from three years prior to the filing of this case until the present."

4. Defendant's objections to Request for Production 5 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity by **August 13, 2021**;
5. Defendant's objections to Request for Production 6 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity by **August 13, 2021**;
6. Defendant agreed to produce the documents requested in Requests for Production 7-10, pursuant to entry of a protective order, at the hearing on July 21, 2021. Defendant's objections to Requests for Production 7-10 are therefore **OVERRULED**, and Defendant shall provide a full and complete response with particularity by **August 13, 2021**;
7. Defendant's objections to Request for Production 11 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity by **August 13, 2021**; and
8. Defendant's objections to Request for Production 13 are **OVERRULED**, and Defendant shall provide a full and complete response with particularity, including the production of the operative agreements with vendors, by **August 13, 2021**.

IT IS FURTHER ORDERED that to the extent that Defendant may not have documents or information responsive to the foregoing Interrogatories and Requests for Production in its immediate possession, Defendant shall include in its responses specific explanations of what it has done to obtain said information and documents, by **August 13, 2021**.

IT IS FINALLY ORDERED that Plaintiffs' Motion is **DENIED WITHOUT PREJUDICE** as to the scope of the discovery requests, and thus the discovery requests **SHALL BE LIMITED** to a period of three years prior to the filing of this case. Plaintiffs may renew their request for nine years of discovery after the issue of class certification is resolved.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE